



Environmental Fact Sheet

PROPOSED RULE TO ELIMINATE MOST ORE AND MINERAL PROCESSING SOLID WASTES FROM THE BEVILL AMENDMENT

BACKGROUND

In 1980, Congress amended the Resource Conservation and Recovery Act (RCRA) to temporarily exclude from hazardous waste regulation wastes from the extraction, beneficiation, and processing (smelting and refining) of ores and minerals. This exclusion, known as the Bevill Amendment, was temporary, pending (1) the completion of further studies by the Environmental Protection Agency (EPA); and (2) a regulatory determination as to whether regulation of these wastes under Subtitle C of RCRA as hazardous wastes was warranted.

In October 1985, EPA proposed to remove from the exclusion all ore and mineral processing wastes except for four types of waste and to list as hazardous wastes six smelter wastes. The four types of waste proposed to be retained within the Bevill Amendment were thought to be consistent with the "special waste" concept (i.e., high volume, low hazard wastes) from EPA's 1978 proposed hazardous waste regulations.

In October 1986, EPA withdrew its proposed reinterpretation on the grounds that the Agency wasn't able to determine the appropriate status of some other wastes from mineral processing operations. This prompted a challenge in Court; in July 1988, the Court found against EPA, ordering the Agency to define a narrower scope for the Bevill Amendment and to list the six smelter wastes as hazardous wastes. The Court indicated that ore and mineral processing wastes should be excluded from hazardous waste regulations under Subtitle C of RCRA only if they are "special wastes." The six smelter wastes were listed as hazardous wastes in August 1988 in response to the Court order.

ACTION

In response to the Court order, EPA is proposing a narrowed scope of wastes to be excluded under the Bevill Amendment from hazardous waste regulation under Subtitle C of RCRA. The proposed regulation defines solid waste from processing of ores and minerals to include only 15 specified wastes. These 15 high-volume wastes are considered "special wastes" and would remain within the Bevill Amendment; i.e., further studies (to be documented in a Report to Congress) and a regulatory determination by EPA are necessary for defining the status of these wastes as hazardous or not.

CONCLUSIONS

If this proposal is promulgated, all ore and mineral processing wastes other than the 15 identified in this proposal [see box] will be permanently removed from the Bevill Amendment. Therefore, the wastes not remaining in the scope of the Bevill Amendment will be subject to Subtitle C regulations as hazardous wastes. This reinterpretation, and the subsequent Report to Congress and regulatory determination represent the final stages of EPA's response to the provisions of RCRA Section 8002(p); there will be no further studies or regulatory determinations related to ore and mineral processing wastes as a group.

CONTACT

For further information, please contact the RCRA Hotline Monday through Friday, 8:30 a.m. to 7:30 p.m. EST. The national toll-free number is 800-424-9346; in Washington, D.C., the number is 202-382-3000.

ORE AND MINERAL PROCESSING WASTES
REMAINING WITHIN THE BEVILL AMENDMENT

1. Slag from primary copper smelting;
2. Process wastewater from primary copper smelting/refining;
3. Blowdown from acid plants at primary copper smelters;
4. Bleed electrolyte from primary copper refining;
5. Slag from primary lead smelting;
6. Blowdown from acid plants at primary zinc smelters;
7. Process wastewater from primary zinc smelting/refining;
8. Red and brown muds from bauxite refining;
9. Phosphogypsum from phosphoric acid production;
10. Slag from elemental phosphorous production;
11. Iron blast furnace slag;
12. Air pollution control dust/sludge from iron blast furnaces;
13. Waste acids from titanium dioxide production;
14. Air pollution control dust from lime kilns; and
15. Slag from roasting/leaching of chromite ore.